

**FILED****United States District Court** AUG 9 2005MIDDLE

DISTRICT OF

ALABAMA

CLERK

U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.**In the matter of the Search of**(Name, address or brief description of person, property or premises  
to be searched)

258 C/R 109

Montevallo, Alabama 35115

**APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT**

CASE NUMBER:

2:05mj 91-BI Jennifer A. Rudden being duly sworn depose and say:I am a(n) Special Agent, Bureau of Alcohol, Tobacco and Firearms and have reason to believe  
that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)**SEE ATTACHMENT A,**in the Middle District of Alabama

there is now concealed a certain person or property, namely (describe the person or property to be seized)

**SEE ATTACHMENT B,**

which is (state one or more bases for search set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

**contraband or property that constitutes evidence of the commission of a criminal offense,**concerning a violation of Title 18 United States Code, Section(s) 922(g)(1) & 922(g)(4).

The facts to support the issuance of a Search Warrant are as follows:

**See Attached Affidavit**Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No  
Signature of Affiant

Sworn to before me and subscribed in my presence,

AUGUST 2, 2005

Date

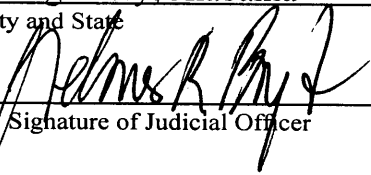
at

Montgomery, Alabama

City and State

DELORES R. BOYD, U.S. Magistrate Judge

Name &amp; Title of Judicial Officer

  
Signature of Judicial Officer

### **AFFIDAVIT**

I, Special Agent Jennifer A. Rudden, affiant, hereby depose and state the following:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, United States Justice Department, and have been so employed since June 18, 2001. I have completed Criminal Investigator School at the Federal Law Enforcement Training Center and New Professional Training Program at the ATF National Academy. I am currently assigned to the Montgomery Field Office in Montgomery, Alabama. As a result of my training and on-the-job experience as an ATF Special Agent, I have become thoroughly knowledgeable in the violations of the Federal firearm, arson and explosive laws to include various criminal statutes enacted in the Gun Control Act of 1968 and those set forth in the National Firearms Act.

As a result of my training and experience as an ATF agent, I am familiar with the Federal laws concerning the illegal possession of firearms. I know that it is illegal for any person who has been convicted of a crime punishable by imprisonment for a term exceeding one year to possess a firearm that has affected interstate or foreign commerce. In addition I know that it is illegal for any person who has been committed to a mental institution to possess a firearm that has affected interstate or foreign commerce.

On January 3, 2003, Judge of Probate Robert Martin ordered Howard Paul BEST, III to be involuntarily detained and confined to the Alabama Department of Mental Health at the Brookwood Medical Center, Alabama.

On July 23, 2005 Howard Paul Best, III contacted the Chilton County Sheriff's Department to report a burglary at his residence located at 258 County Road 109, Montevallo, Chilton County Alabama. Howard Paul Best, III advised that the person who burglarized his residence, who he identified as Jeremy Bryant, took \$800.00 in medication.

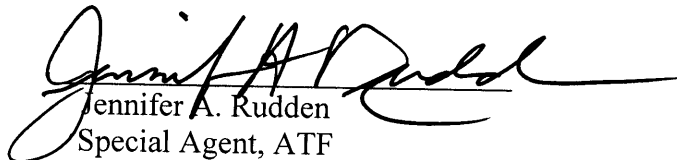
On July 29, 2005, Investigator Leah Wilkins contacted Howard Paul Best, III in regards to his report of the burglary at his residence. Howard Best, III advised Investigator Wilkins that on 07/23/2005 he heard the doorbell ring and as he went to answer it suspect Jeremy Bryant pushed him out of the way to gain entry into the residence and stole Howard Best III's medication.

On this same date (07/29/2005), Howard Best, III advised that he had fired a shot at the shoulder area of the suspected burglar, Jeremy Bryant, using what he described as a Special Edition .32 caliber that holds eight rounds. Howard Paul Best, III further advised Investigator Leah Wilkins that he had other guns at the house and that his mother has a gun permit. Investigator Leah Wilkins recorded the conversation.

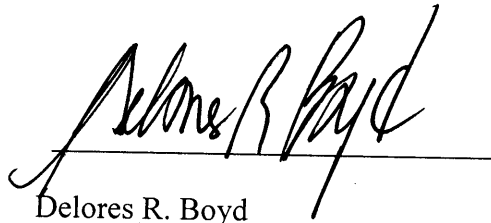
On this same date (07/29/2005), Howard Best, III stated that he was a convicted felon, but that his rights to have a firearm had been restored. Chief Deputy Mayfield contacted State of Alabama Board of Pardons and Paroles and was advised that Howard Paul Best, III (W/M, DOB: 09-15-1956, SSN: 417-64-6233) had not been granted a pardon by the Alabama Board of Pardons and Paroles. On 08/02/05, I confirmed, with the Alabama Board of Pardons and Parole that, Howard Paul Best, III, has not had his right to possess a firearm reinstated.

Howard Paul Best, III has been convicted of a Felony, that being in the District Court of Shelby County Alabama, for *Possession of a Controlled Substance*, Case No. CC-96-280, dated 10/29/1996.

Based upon the above information, I believe that probable cause exists that Howard Paul Best, III is a convicted felon, who has been involuntarily committed to a mental health institution, and is currently in possession of firearm(s) that are located on the premises of 258 County Road 109, Montevallo, Alabama, within Chilton County Middle District of Alabama, all in violation of Title 18, USC Section 922(g)(1) and Title 18, USC Section 922(g)(4).

  
Jennifer A. Rudden  
Special Agent, ATF

Sworn to before me and subscribed in my presence this 2nd day of August 2005,  
and I find probable cause exists.

  
Delores R. Boyd

United States Magistrate Judge

***ATTACHMENT A***

***DESCRIPTIONS OF THINGS TO BE SEARCHED***

***The Premises and Vehicles***

The residence of Howard Paul Best, III, 258 C/R 109, Montevallo Alabama in Chilton County, in the Middle District of Alabama including all outbuildings, vehicles and appurtenances thereto. While driving Interstate 65 North, take **Exit #205 and follow US 31 North**. Slight Left onto AL-155, Left Shelby C/R-18 that turns into Chilton C/R-54. Turn left onto C/R 109 South. The house will be on the left.

***The Premises' Physical Description***

A two-story brick house with a wooden front door with a storm door. Another door is located on the left side of the residence that appears to have once lead into a garage that now leads into an office.

***Vehicle Description***

Red, Ford Ranger, AL tag 14A216D

***ATTACHMENT B***

***DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED***

***FIREARMS***

Any and all firearms and contraband which are located at the residence located at 258 C/R 109, Montevallo Alabama.

***RECORDS/DOCUMENTS***

Books, records, documents or photographs, whether contained on paper in handwritten, typed, photocopied or printed form or stored on computer printouts, magnetic tape, cassette, disk, diskette, photo-optical devices, photographic film or any other medium which are relevant to the possession and/or ownership of any and all firearms and other contraband, including but not limited to, the possession, receipt or sale of controlled substances.

Description of Particular Records/Documents:

1. ***Indicia of Control of the Premises***

Records that establish the persons who have control, possession, custody or dominion over the property and vehicles searched and from which evidence is seized, such as: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, rent receipts, payment receipts, financial documents, keys, photographs (developed or undeveloped), leases, mortgage bills, and vehicle registration information or ownership warranties, receipts for vehicle parts and repairs and telephone answering machine introductions and fingerprints.